

UNITED STATES OF AMERICA

v.

FLOID S. DAY

IBLA 70-675

Decided February 18, 1972

Appeal from decision of Rudolph M. Steiner, hearing examiner, declaring mining claims subject to section 4, Act of July 23, 1955.

Dismissed.

Rules of Practice: Appeals: Dismissal

An appeal to the Board of Land Appeals will be dismissed when the appellant fails to file a statement of reasons in support thereof within the time required.

APPEARANCES: Edward N. Fadeley for appellant; Regional Attorney, Office of the General Counsel, U.S. Department of Agriculture, for the government.

By the Board.

On July 9, 1970, notice of appeal was filed on behalf of Floyd S. Day from the decision of a hearing examiner dated June 9, 1970, which declared the East Star and West Star mining claims situated in secs. 11 and 12, T. 23 S., R. 1 E., W.M., Lane County, Oregon, to be subject to the limitations and restrictions of section 4, Act of July 23, 1955, 30 U.S.C. § 612 (1970), contest OR-06079-Y, United States v. Floyd S. Day.

The notice of appeal gave no reasons for the appeal. Consequently, a statement of reasons was required to be filed within 30 days after filing of the notice of appeal. 43 CFR 4.412, 36 F. R. 7200. The appellant was informed of this requirement in the decision being appealed.

The 30-day period following July 9, 1970, has expired, and the 10-day grace period afforded by 43 CFR 4.401(a), 36 F. R. 7199, has since elapsed, but no statement of reasons has been filed, and no explanation of appellant's failure to comply with the regulations has been submitted. Therefore, the appeal is subject to summary dismissal. 43 CFR 4.402(a), 36 F. R. 7200.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F. R. 12081), the appeal is dismissed.

